

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5965 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MANSUKHBHAI JIVABHAI & ORS.

Versus

BHAVNAGAR MAHA NAGARPALIKA

Appearance:

MR RAVI R TRIPATHI for Petitioners

MR JR NANAVATI for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 30/08/96

ORAL JUDGMENT

Heard learned counsel for the parties. The petitioners filed this Special Civil Application before this Court in which challenge is made by them to the annexure 'A', the Award of the Labour Court in Ref.(ICR) No.720/79, dated 5.1.82.

2. The services of the petitioners were terminated and they raised an industrial dispute which has been

referred to the Labour Court. The petitioners have come up with the case that they were appointed on daily wages in the Bhavnagar Mahanagarpalika and they have been retrenched without any justification. The retrenchment has been stated to be illegal as it has been made in violation of provisions of Section 25F.

3. It is the case of the respondents that the petitioners were appointed only for a specific period and for a specific work. The specific work was of water scarcity. It is not a case of retrenchment but their services came to an end on completion of the work for which they were appointed. It is stated by the respondent that none of the workmen have completed 240 days and as such the compliance of provision of Section 25 of the Industrial Disputes Act was not required to be made.

3. The Tribunal has recorded finding of fact that admittedly each of the workmen has not completed 240 days of service in one year. The learned counsel for the petitioner is unable to successfully challenge this finding of fact by the Tribunal. It is not the case of the petitioners in this Special Civil Application that such admission has not been made. The petitioners are bound by this admission. No error is apparent on the fact of the Award of the Labour Court which calls for interference of this Court. So far as violation of provisions of Section 25G & H of the Industrial Disputes Act is concerned, the Tribunal has not found any such violation and that finding does not call for any interference of this Court also.

4. In the result, this Special Civil Application fails and the same is dismissed. Rule is discharged. No order as to costs.

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(sunil)